



MAY 10 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Medlen & Carroll, LLP
101 Howard Street, Suite 350
San Francisco, CA 94105

In re Application of
VALE, Ron et al.
Application No.: 10/031,819
PCT Application No.: PCT/US98/18368
International Filing Date: 03 September 1998
Priority Date: 04 September 1997
Attorney Docket No.: UCSD-06783
For: ASSAYS FOR DETECTING
MODULATORS OF
CYTOSKELETAL FUNCTION

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicants' "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 16 January 2002 is **GRANTED**.

BACKGROUND

On 03 September 1998, applicants filed international application number PCT/US98/18368, which claimed a priority date of 04 September 1997. On 30 March 1999, a demand for international preliminary examination was filed, prior to the expiration of nineteen months from the priority date. As such, the deadline for entering the national stage in the United States was 06 March 2000 (04 March 2000 was a Saturday).

On 16 January 2002, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition to revive the international application; the requisite petition fee; and the requisite basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants state "the entire delay in filing the required reply from the due date for the required reply until filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as

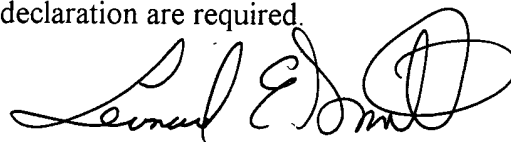
required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 U.S.C. 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration are required.

Erin M. Pender
Attorney Advisor
PCT Legal Administration



Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459